

(13)

THE
PROTESTATION
OF THE GENERALL
Assembly of the Kirk
of SCOTLAND, and of
the Noble-men, Barrons, Gentle-
men, Burrowes, Ministers,
and Commons.

Subscribers of the Covenant
lately made at the mercat Crosse
of Edinburgh the 18. of
December 1638.



EDINBURGH,
Printed by James Bryson,
ANNO DOM. 1639.

THE
PROTESTANT
OF THE REVISED
Assembly of the Lord

the members of the
Assembly of the Lord



FOR
Printed by James
London



THE
PROTESTATION
OF THE GENERALL
Assembly of the Kirk
of SCOTLAND, &c.



WE Commissioners from Presbyteries, Burghs, and Universities, now convened, and yet sitting in a full and free Assembly of the Kirke of *Scotland*, indicted by his Majestie, and gathered together in the name of the Lord Iesus Christ, the only head and Monarch of his own Kirke; and we Noble-men, Barrons, Gentle-men, Ministers, Burgesses, and Commons, subscribers of the confession of Faith, make it known; that where we his Majesties Ioyall subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents introduced into the doctrine; worship, and discipline of this Kirke, which had been

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before in great puritie, to our unspeakable comfort established among us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assembly, as the only legall and readie meane to try these innovations, to purge out the corruptions, and settle the disorder of the Kirke, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracious Majestie out of his royall bountie, to direct unto this Kingdome, the noble and potent Lord *James Marquess of Hammiltoun*, with Commission to hear and redresse the just grievances of the good subjects: who by many petitions and frequent conferences, being fully informed of the absolute necessitie of a free generall Assembly, as the only judicatorie which had power to remedie those evils, was pleased to undergo the paines of a voyage to *England* for presenting the pitifull condition of our Kirke to his Sacred Majestie. And the said Commissioner his grace returned again in *August* last, with power to indict an Assembly, but with the condition of such prelimitations, as did both destroy the freedome of an Assembly, and could no wayes cure the present diseases of this Kirke, which was made so clearly apparent to his Grace, that for satisfying the reasonable desires of the subjects, groaning under the wearinesse and prejudices of longsome attendance, hee was again pleased to under-take another journey to his Majestie, and promised to endeavour to obtaine a free Generall Assembly, without any prelimitation, either of the constitution and members, or matters to be treated, or manner, and order of proceeding: so that

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if any question should arise concerning these particulars (whereof the power of ruling Elders as a part of the constitution, and the examination of Episcopacie as a present question to be moved, was exprest; albeit now the Commissioner hath pretended the same for the greatest causes of his rising and away going from the Assembly) the same should be cognosced, judged, and determined by the Assembly, as the only judge competent. And accordingly by warrant from our sacred Sovereigne, returned to this Kingdome, and in *September* last, caused indict a free generall Assembly to be holden at *Glasgow*, the 21. of *November* last, to the unspeakable joy of all good subjects, and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the finall remedie of their pressing grievances. But these hopes were soone blasted, for albeit the Assembly did meet and begin at the appointed day, and for the space of seven dayes sitting, was countenanced with his Graces personall presence, yet his Grace did never allow any freedom to the Assembly, competent to it by the word of God, as is and practise of this Kirk, and his Majesties indiction, but did labour to restrain the same during the time of his abode there, by protesting against all the acts made therein, and against the constitutions thereof by such members, as by all law, reason, and custome of this Kirk, were ever admitted as members constituents of our free Assemblies: and by denying his approbation to the things proponed and concluded, though most clear, customable, and uncontroverted.

And further his Grace after the presenting and reading of his own commission from our Sacred
Sovereigne,

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Soveraigne, and after his seeing all our Commissions from Presbyteries, Burghs, and Universities, produced and examined, and the Assembly constitute in all the members by unanimous consent, did to our great grief, without any just cause or occasion offered by us unexpectedly depart, and discharge any further meeting or proceeding in this Assembly, under the paine of treason, and after seven dayes sitting, declare all acts made, or thereafter to be made in this Assembly, to be of no force nor strength, and that for such causes as were either then exprest verbally, by his Grace, or contained in a Proclamation made by his Grace, at *Glasgow*, without any warrand of an act of Council, contrare to the law or custome of this Realme: wherunto we answered by our protestation of the 29. of *November*; or otherwise for such reasons, as his Grace thought meet to alledge, which are since superadded in this late Proclamation, now made at *Edinburgh* this 18. of *December*, wherein for our greater surcharge of sorrow, we are heavily and wrongously blamed and taxed of many great offences.

*Anent our
Protestation.*

And first for making Protestation against the Proclamation made at *Edinburgh*, the 22 of *September* last, whereas our reasons contained in that our Protestation are so forceable and just, to demonstrate the necessitie and lawfulness of our act, that we judge all good men and Christians will be satisfied therewith, where-anent we remit our selves to our Protestation printed, and will not for shortnesse repeat the same reasons here.

And where we are reproched and blamed in this new Proclamation, for guarding and watching the
castle

castle of *Edinburgh*, and impeding to import amunition, or other necessities, to any of his Majesties houses, an act which is exaggerated to be without an example in the Christian world, seeing we deny that liberty to our Sovereigne, which the meanest of us, do assume to our selves. For answer hereunto, we confidently affirme that we are unjustly challenged of all the said points, except for preveening dangers evidently threatned unto us, by circumspect attendance about the castle of *Edinburgh*, which afterward we shall show to be warrantably done: For we declare that we haue never made the least stoppe or hinderance to the importation of any amunition, victuall, or nothing whatsoever, in to any other of his Majesties houses, or castles, Nor for carrying all necessarie sustentation into the castle of *Edinburgh*. Neither hath any of us fortified, or provided any of our private houses for warlike defence; so that all those are heavy, and unjust imputations. But we confesse and grant, that there being some provision and amunition quietly imported into this Kingdome, for furnishing the castle of *Edinburgh*, and intended secretly to haue been put therein, we haue carefully preveened the same by our diligent attendance. And that for such reasons, grounded upon equity, the law of nature, and municipall laws and acts of Parliament of this Kingdome, and the loveable example of our predecessors: For the truth is that hauing petitioned his Majestic for redresse of our just grievances, and a legall tryall thereof, before we receaved any answer thereunto, all possible meanes were used to dissolve that union, which was made amongst us for that good cause, and to impede all our meetings from deliberating

*Anent our
watching
the Castle of
Edinburgh.*

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berating thereupon, wherein the Town of *Edinburgh* made a considerable part, not only as an important member of this conjunction, but as a most commodious and ordinar place of our meetings, so that when all other means of perswasion had failled; the means of terrour was not left unassayed: And for that effect a great quantity of amunition was brought by sea from forrane parts to have been clandestinely imported into the castle of *Edinburgh*, as no doubt it was intended, seeing the same was unloaded in the dead time of the night: And we considering that in case the same had been imported into the castle, with other provision and store formerly therein, the same might have been used and imployed for the overthrow of that place, and tended to our great prejudice by with-drawing them, upon that terrour, and displacing us from our ordinary meetings, upon these reasons and considerations we prevented the same by such a loyall way as cannot be offensive to authority: *For the safety of the publick is the end of all lawfull power, and supreme law.* And the adversaries of our Religion having formerly boasted by that provision, so to furnish the castle, that it might beat down the town of *Edinburgh*, and bar the supplicants from meeting therein, we had just reason to hinder that fetter of slavery to be put upon the town; and that the castle of *Edinburgh* which is amongst the first strengths of the land against forrane forces, might be turned as a speciall engine of constraint against the Subjects, to hinder ther lawfull meetings, or to force the town of *Edinburgh* to separate from the rest of the supplicants. which great prejudice the law of nature reacheth us, to avoid, and yet

yet we have not proceeded therein, without the warrant of the acts of Parliament.

For first where there is any violent presumption of spoiling of the Countrey, it is ordained that the Lievetenant raise the Countrey, and passe to such Castles and Fortalices, where there is any unruly men, and take sovertie of the persons within these houses, that the Countrey and all the Kings Lieges be nnharmed, and unskaited of the saids houses, and of them who inhabiteth the same from time forth: And if any make difficultie to be arrested, and finde sovertie as law-will, they shall be streinyed thereto. *James* 2. Parl. 2. act 3. And therefore now seeing there is not only violent presumption, but great minassing from the adversaries of the Truth and Countrey, and their adherents, of the breaking of the Countrey, and harming of the same; and especially his Majesties Lieges within *Edinburgh*, by the extraordinarie provision of Munition to the Castle of *Edinburgh*, and that by the saids Bishops plots from his Majesties prime Officers, who in his Majesties absence should preveen that inconvenient by the ordinance of that act: Therefore upon their default the Countrey it selfe, and the Kings Lieges, in whose favoures the act is made, may provide for their own safety, and keep themselves unharmed by that Castle, or any inhabitants thereof, and so preveen the importation of a munition thereunto, conforme to the said act of Parliament.

Secondly, as the Castle of *Edinburgh*, and certain other Castles and lands are the Kings undoubted annexed propertie, so it is to bee considered for what cause they were annexed, by whom annexed, upon

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what condition, and how to be disposed upon. For the only cause exprest in the annexation thereof, 41. act *James 2.* Parl. 11. Is, that the povertie of the Crowne, is oft-times the cause of the povertie of the Realme: which act maketh no mention that the King was annexer of the castles and lands to the Crowne, but only that by the advise of the full Councell of the Parliament it was so statute and ordained, and appointeth that they may not be disposed upon, without advise, deliverance, and decreet of the whole Parliament, for great, seen, and reasonable causes of the Realme. So that being thus annexed to the Crowne by the Realme it selfe, for avoiding an inconvenient to the Realme, and being annexed with condition not to be disposed upon, without the advise and decreet of the whole Parliament, and for great, seene, and reasonable causes of the Realme, justice and equitie will require; that these castles should not be made an instrument of the povertie and desolation, of the capitall Towne of the Realme, and of the harme of the most considerable part of the body of the Realme there convened, for supplicating his Majestie, and the Councel, and preparing overtours to the future Parliament for redresse of our just grievances. But now by this extraordinarie provision to the castle, being threatned with ruine and exterminion, they may stop the mis-employing of that benefit, granted by the Realme *eo animo & ad hunc finem*, for the well of the Realme, while the Parliament of the Kingdome give their humble advise to his Majestie there-anent.

Thirdly, by the 9. act 9. Parl. *James 6.* It is acknowledged that the castle of *Edinburgh, Dumbar-*
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rane, Stirling & Blacknesse, are foure chief strengths of the realme, which ought to be safely kept to the kings behove, & well-fare of the Realme, And for keeping the castle of *Edinburgh*, there is assigned with the consent of the Estates, both money and victuall, a great part wherof is forth of the thirds of benefices, which thirds in *December 1561.* were decerned and ordained by *Queene Marie* with advise of her Counsel, and others of the Nobility then present to be up-taken and imployed for these two uses, viz. Sustaining of Ministers, & entertaining and setting forward the common and publick affairs of the countrey and common-wealth of the Realme: which was also enacted, act 10. Parl. 1. *James 6.* and thereafter ratified act 121. Parl. 12. *James 6.* whereby it doth appear, that as the castle is the kings undenyable annexed property, so it is also a strength of the Realme, which should be safely kept to his Majesties behove & welfare of the Realme, having for the keeping thereof rents assigned with consent of the three estates of the Kingdome forth out of the thirds of benefices, estimate by the estates *in eum usum*, for entertaining and setting forward the publick affaires of the countrey & common-wealth of the Realme. And consequently the most loyall part of the body of the Realme hath maine interest, to divert the converting of this strength, to the weakning or ruine of the Realme, or any member thereof, threatned by this unufall provision, and openly denounced by our said enemies.

Fourth, by the 125. act 7. Parl. *James 6.* It is acknowledged that the Kings castles and strengths are the keyes of the Realme: and the only use of keyes is for keeping together in safetie and preservation, and

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not for spartling, dispersing, or perdition. So that the Realme and collective body thereof can hardly be disallowed for contributing their loyall endeavours to the good keeping of their own keyes, when contrarie to the right end, these keyes are used against the Countrey and Realme; whereof they should be, and are the keyes of safetie: as by the said act is declared.

Fifthly by the same act, all violent detainers of the Kings Castles from him, or constrainers of the Kings Regents to redeeme his own houses, and all makers of any such bargane, merchandice, or market of the Kings Castles: are only ordained to rander and deliver againe, what they have received for reddition of the saids Castles, and that the King shall have action for repetition thereof, as necessarily given for the time, and wrongously received for unlawfull causes. And our proceedings being compared with the subject of that act of Parliament, cannot deserve so harsh constructions, where the best part of the bodie of the Realme being constrained for indemnity of their persons and goods, do neither take nor detaine the castle, but only with-hold importation, first clandestinely intended, and thereafter openly threatned, of all kinde of warly and invasive furniture: which could be usefull to no purpose, but to the harm and annoyance of those who were conveyened for the just occasions foresaids, who deserve and expect approbation and thanks from his Majestie in his own due time, for keeping his evil counsellours, and bad patriots, from putting hand in his best Subjects.

Sixthly, by the 25. act Par. 6. *James 2.* sundry points of treason are enumerate: And amongst the rest one is the assailing without consent of the estates the
castles

castles or palaces, where the Kings person shall happen to bee. And now the Kings person not being in this castle, but out of the countrey, and the best and most loyall part of his subjects both for number, and fidelitie, imploring his Majesties authoritie for convocating the estates, to take order with these, who presuming upon his Majesties absence, are bold to give him sinistrous information and counsell, these who do no wayes assaile the castle, but bars these evil patriots from putting in execution their damnable suggestions by their supercherie violence and terrifications from that castle, before the convention of Estates, cannot in law and equitie bee challenged in their carriage so necessarie to them in the *interim*, while the estates convene in a Parliament: which now his Majestie hath been graciously pleased to proclame.

Seventhly, it is known by our Chronicles and Records, that the castle of *Edinburgh* was given in keeping to the house of *Erskine* by the King and estates of Parliament, *hac lege expressa & conditione, ut nulli nisi conventui ordinum reposcenti traderent.*

Eighthly this act is not unexampled in the Christian world: but hath many presidents both in the historie of other Kirks and Kingdomes, and of our owne, which hath many such examples even done by the estates themselves: whose fact doth make our right, and whose authoritie is ratified conforme to the ancient and loveable custome, in punishing rebellious subjects, and preserving the faithfull, act, 130. Parliament 8. King *James 6.*

In the next place we are upbraided for our meetings, which in the Proclamation are called Councel-
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*Ancient our
meeting*

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*and alledg-
ed Councell
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tables only, by that name which by ordinary expression is due to Iudicatories: to make it beleev'd, that we have arrogate to our selves some unwarrantable power and authoritie; (which we neither have, nor intends to do God willing) whereas the truth is, that in a matter so highly importing all of us, as the preservation of Religion, and puritie of Gods worship, it was most necessary for us to meet, and that in a sober, modest, & quiet way, for deliberating with joint advise upon those weighty busineses, for the good of the Kirk, his Majesties honour, and peace of the Kingdome: And those meetings did never emit nor send forth any authoritative command, or injunctions, but conclude upon such advises as might bee most expedient, for advancing that great businesse, and facilitating the way of supplication to his Majestie, and overtours for the Assembly and Parliament: which was an act lawfull and approveable in it selfe, albeit the conclusions thereof did not cary the force or validity of a binding law or command, which was never aimed at nor intended. Which meetings they might warrantably keep for that end, being for Gods glory, and removing the just grievances of the subjects, nowayes prohibited by any of our municipall laws, which disapproveth such conventions, as are for disturbance of the peace, or usurpation against authority, whereof neither of the two can be alledged against these meetings. Not the first, because no invasion, violence, offer of wrong, by word or deed, to any person, no, even to those upon whom they justly complaine, ensueth upon the same, notwithstanding of their provocations, and their fears falsely represented to his Majesty, and maliciously pretend-
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ed for their stay out of the Countrey. Not the second: because their meetings was to consult in manner foresaid, upon the most fitting and humble way of supplicating his Majestie, and for the most convenient propositions to be represented to his Majestie, the Parliament, and Assembly: All which acts are most compatible with the loyaltie and duetie of good subjects, and do no wayes intrinche upon authoritie, seeing they can never be challenged to have assumed to themselves any judicall determination in any matter of state civill nor ecclesiasticall; but by voluntarie instructions and opinions, every one to another in a common cause of Religion, did resolve what might be most conduceable to their lawful and just ends. And yet those conventions want not the warrand of law and authoritie, because they consist of the Nobilitie, Barrons, Burrows, and Ministry, which by the fundamentall laws of the land, have place of proponing, reasoning, and voting in Parliament and Assemblies, act 113. King *James* the 6. Parl. 11. wherein is acknowledged that it is necessary to the King and his Estates, to be truly informed of the needs and causes pertaining to his loving Subjects in all estates; and therefore ratifieth the act made by King *James* 1. Anno 1427. Giving power to Barrons, to propone all and sundrie needs and causes, and to hear, treat, and determine all causes to be proponed in Parliament; which necessary and true information cannot be made to his Majestie and Estates, without privie meeting and consultation: and consequently it being granted to them, to informe the King and Estates, and to propone, hear, treat, and finally determine all needs and causes to be propon-
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ed in Parliament, there must bee necessarily understood to bee a sufficient power granted to them for meeting and advising upon that information: *Quia aliquo concessio, omnia concessa videntur, sine quibus concessum expediri nequit.* And as to the Ministers they have likewise power granted to them, not only by the word of God, and constitutions of the Kirk, but by the King and laws of this Land, to propone, reason, and vote in Assemblies, and by the same parity of reason to keep preceeding meetings, not to determine or execute, but to consult upon their necessarie propositions; so that these lawfull meetings for the religious end, suffer wrongously the invidious designation of council-tables: which is only done for procuring misconstruction against them; Because at these meetings and consultations, they sate about a table, which posture is no wayes prejudiciall to authoritie, the meanest of mechanick crafts having their owne tables where-about they sit, when they consult upon the smallest businesse importing their trade. And further, these same meetings consisting of Commissioners from each Sherifedome and body of this Estate, were allowed by his Majesties Council first, and thereafter by the Commissioner his grace: In so far as the whole subjects of this Kingdome out of their resentment of the weight of this cause, having numerously convened at *Edinburgh*, from all the parts of the Kingdome, that confluence of people, was desired to be dissolved, and directed to make chooseth a great number of some Commissioners from each Shyre, who might meet to represent their just grievances, and desires and attend the answers thereof.

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The third particular challenge in the Proclamation, is for the illegall and unformall course taken in the election of Commissioners to the Assembly, whereof some are alledged to have been under the censure of this Kirke, some under the censure of the Kirke of *Ireland*, some banished for teaching against Monarchie, others being suspended, some admitted to the Ministerie contrare to the laws of this Kingdome, others at the horne, some confyned, and all by oath bound to the overthrow of Episcopacie; whereunto al.though no answer be requisite, seeing the persons thereby meant, are not specially condescended upon; yet for clearing all mens minds, and showing the warrantablenesse of our proceedings, it is of truth that the Assembly after particular tryall which they tooke upon some such surmises, could not finde any censured by the Kirke of *Scotland*, or *Ireland*, by a lawfull manner, in a lawfull judicatorie, or for a lawfull cause: But on the contrarie, the Assembly after carefull searching and examination, found that any censure inflicted upon any of these persons in *Scotland* was only by a bishop (who ought to bee punished for taking arrogantly on him the name of the Kirke of *Scotland*) and that without the advise of any Presbyterie, but sitting in his high commission (which was condemned by the laws of this Kirke and Kingdome, is discharged by the Kings proclamation, is one of our just grievances, and a part of the Bishops dittay) and that only for refusing the innovations and corruptions abjured by the confession of Faith 1580. For the censure of the Kirke of *Ireland*, it was not notified to the Assembly by any such objection, and yet out of their zeal and

Ancient some members of the Assembly alledged to bee under censure.

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care to satisfie all these misinformations whereof they heard some whisperings, they found after tryall, that these censures inflicted were for the same causes forefaids, and yet could not militate out-with the bounds of that Dyocie where they were censured in their own law and praetick, and none of them were ever banished for any cause, let be for that odious cause pretended in the Proclamation: wherein the mention of horning against some of the Commissioners could not be a lawfull exception against them, because horning can neither take away their Ministeriall function, nor deprive the Presbyteries of their voice by their Commissioners: But in speciall this horning against the Commissioners to the Assembly cannot be respected; because it was done in *Edinburgh* upon a suddentic (upon what intention, we permit every one to consider) after all the members of the Assembly were gone to *Glasgow*, and yet Protestation was taken against the same, and suspension craved upon the reall offer of consignation, which, contrare to the common law and praetise of this Kingdome, was unexampledly refused, and publick instruments taken thereupon: All which objections are only now remembered to blemish the proceedings of this Assembly, but were never urged nor proponed in the Assembly, but on the contrare, the Commissioners of all persons were produced, examined, discussed, and approven in my Lord Commissioners own audience, without any contrare voice of the Assembly: And yet upon these challenges much is built against the Assembly, and the same are aggravate from a preceeding oath, whereby it is alledged that the Commissioners were bound to overthrow

overthrow Episcopall government, which is of the same stamp and mettall with the rest: for the truth is, that there was never any oath given, nor exacted, but that which is contained in the Covenant, whereby all was abjured, only in generall, which was contrare to the confession of Faith 1580. leaving to the tryall & determination of the Assembly, whether Episcopacie, and some other innovations were repugnant to the said confession or not. And at the best it is a bad inference, that one who hath maintained orthodox opinions, and preached against heresie, and error, may not in the lawfull judicatorie voice for condemnation of these errours. And as for the election of Moderatours, admission of Ministers by Presbyteries, and restitution of Elders: The same needeth no answer in this place, being sufficiently cleared by us before, in our answers to the eleventh article exhibite unto us by the Commissioner his Grace; Which answers were so satisfactorie, that after the receipt of the same, his Grace promised to procure a free generall Assembly, with power to determine upon all questions anent members, matter, and manner of proceeding. And are further cleared in the book of Policie, and other acts already cited in our particular answer to the Declinatour of this Assembly produced by the Bishops: All which is approved by this generall Assembly, and all acts carrying appearance of the contrarietie thereto upon undeniable grounds, are declared to be null *ab initio*.

The fourth act rubed upon us to our prejudice by the Proclamation, is the sending from the tables of instructions, whereof the heads are summarly expressed, which his Grace indeed did show to the Assembly

*Anent the
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sent from
the tables.*

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sembly, and then the members of the Assembly declared that neither of these papers were ever sent from the meetings at *Edinburgh* to any man in their knowledge, and yet for the first (which possibly might have been some private direction of one friend to another, without common advise) It doth not containe any thing offensive or partial: For the phrase of losing of our Christian and civill libertie, might be warrantably exprest in relation to our former bondage and slavery, under the prelates tyranizing in their high Commission, whereby most summarly at their own pleasure they deprived, fined, and confined all persons and professours, with such an high hand as juily we might affect deliverance from that servitude, which was likely more to entereffe by the unlimited power usurped in their Canons: So that the desire of this libertie cannot be judged an affectation of licentious living, without subjection to lawfull authoritie, which in our solemne Covenant with God, we have sworne to maintaine. And as for the other paper, the same is the forgerie of our enemies presented to the Commissioner his Grace, of deliberate purpose to make a pretext for discharge of the Assembly, which we are sorie, was so readily embraced, notwithstanding, that when the same was produced by the Commissioner, the same was not only cleared to bee no draught sent by publicke advise, but the members of the Assembly, and even those whom his Grace most suspected, denied the same, and offered to controll it by production of the true paper of their instructions, altogether disagreeing from that other, produced by the Commissioner, except in the two points following, which had
been

been craftily intermixed with the saids untruths, to give them some countenance of probabilitie. Like as they professed to his Grace, upon their oath, that they had never seen the same before, nor ever read any of the articles therein contained in any other paper, except the fourth and the eighth articles, whereof the fourth, was for eschewing as far as might be, Chapel-men, Chapter-men, and Ministers Iustices of peace, from being chosen Commissioners to the Assembly: which was so reasonable, that none could be offended thereat, because Chapel-men had approved, and without warrand of this Kirke, practised the innovations introduced of late; the Chapter-men had practised the book of ordination, and (contrare to the acts of the Kirke, discharging Chapters, and their election of Bishops 1578) had approved the corruptions of Kirk government, and Ministers Iustices of peace, had likewise accepted that civill office upon them, whereupon they were promoted for the most part as creatures, and dependers of Bishops. And the eighth wherein some are desired to studie the points which were likely to be agitate in the Assembly, as *de Episcopatu*, *de senioribus*, and among other points, *de potestate supremi Magistratus in Ecclesiasticis*, *praesertim in convocandis conciliis*, wherat none can take just exception, because it was the dutie of every member of that Assembly to instruct and enable themselves for agitating every point, which might occure to be spoken of there by any, or been proponed by the Doctors of *Aberdene*, who were expected there & commanded to study these points: So that this ought not to be wrested to their prejudice, seeing it was incumbent to the Assembly to know the precinct of the
Kirks

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Kirks jurisdiction, especially anent their own Assemblies, and to distinguish it from the civill jurisdiction of the supreme Magistrate, giving to GOD what is GODS, and to Cesar what is Cessars; wherby the soveraigne Magistrate hath no prejudice, but great benefite, to know the extent of his power in matters Ecclesiasticall, lest either he should come short of what is due to him, or for want of true information, incroach upon the liberties of Christs Kirk: whereby it is most evident that no indirect nor partiall courses, nor dangerous propositions have been used in the preparations and elections to this Assembly, but such as are most legall, peaceable, ordinar, and warrantable.

*Anent our
going to
Glasgow
with alledged
numbers
& weapons.*

In the next place the Proclamation chargeth our innocencie for repairing to the Assembly with great troupes and bands of men bodden in fear of war, and furnished with forbidden armes, in contempt of a preceeding Proclamation: whereas the truth is, that our going and repairing to *Glasgow* was in the most peaceable, quiet, and single way which might serve for our securitie and indemnitie against sundrie outlaws, *Clangregors*, and their followers, who shortly before the meeting of the Assembly, had done sundrie outrages, and committed many insolences upon the Kings good Subjects in these Westerne parts, both to private men, whom by their number they might inforce, and by exacting moneys at publick mercats near *Glasgow*, whereof many were advertised by their private friends from those places, and to come thither prepared, for eviting all affronts, or hazard, which they might incurre by that rascally multitude: So that being firmly resolved of before to

go thither, every one accompanied with his own ordinarie private traine, we yet continued in that resolution, and went thither in most sober and quiet way, only with this change, that for preveening that hazard, we went not every man alone with his own ordinar servants, but some few together went in companie, which is not only ordinary in going out the way; but was most expedient at that time; for avoiding the foresaid hazard and prejudice: which moved us all, so to carry with us some offensive weapons wherewith not only these rebels were provided, but likewise such who went to *Glasgow* with his Majesties Commissioner: who upon that same necessitie were likewise provided with those prohibited weapons, & yet their carriage nothing thought to deboire from the duety of good Subjects. Upon these reasons some of the supplicants being present in *Edinburgh* at the making of the said Proclamation, the 16. of *November* last, did protest that it might be lawfull for them to carry weapons for their own defence, and preservation against any such lawlesse invasion or violence as might threaten them, and that they might incure no prejudice by carying such weapons as those who followed Councillours and many others did, promising to carrie themselves peaceably and irreproveable during the time of the Assembly, which accordingly they have done: And seeing our said carrying of weapons was for defence of our lives, against the invasion of these barbarous forners, wee are not censurable therefore, by the act of Parliament prohibiting the saids weapons; because we was repairing to, or returning from the Assembly at command of his Majesties letters and authoritie

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ritie which is in speciall words exprest in the act of Parliament act 18. Parl. 1. *James 6.* which is thereafter ratified with the same provisions, act 87. Parl. 6. *James 6.* and thereafter also ratified act 248. Parl. 15. *James 6.* like as by the 227. Parl. 14. *James 6.* All honest men, and good subjects, free-holders, are authorized with a commission to take and apprehend the persons and goods of those forners and theeves, keep themselves in prison, and execute them to the death. And therefore far more to carry weapons, for resisting of their savage violence.

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And where the formall and orderly proceeding of this Assembly is challenged in the Proclamation, as peremptory, for refusing voiceto the six Assessors assumed to himself by the Commissioner, and for not suffering the declinator by the Bishops to be read before the electing of a Moderator. We cannot conceive the same to be a just cause of offence: because albeit according to our bound duetie, wee defer all humble respect to his gracious Majesties Commissioner, and to the persons and places of the prime noble-men, and Councillours his Graces Assessours, yet for preservation of the liberrie of the Kirke of Iesus Christ: We did in all humilitie remonstrate that his Majesties Commissioner and Assessors, how manie soever (whose place is not to vote, but to assist the Commissioner, by their counsell, for his orderly proceeding) could have but only one voice in the Assemblie: Since after thirtie nine nationall Assemblies of this reformed Kirke, where neither the Kings Majestie, nor anie in his name were present, at the humble and earnest desire of the Assembly, his Majestie graciously vouchsafed his presence, either
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in his own royall person, or by a Commissioner, not for voting or multiplying of voices, but as Princes and Emperours of old, in a princely manner, to countenance that meeting; And to proceed in it for externall order: And if we had been honoured with his Majesties personall presence, his Majestie (according to the practise of King *James* of blessed memorie) would only have given his owne judgement in voting of matters, and would not have called others who had not been cloathed with commission from the Kirke, to carry things by pluralitie of voices. Which is also imported by his Graces Commission produced, wherein he is nominate sole Commissioner. Like as also, his Majesties Father never had Assesours voicing in lawfull Assemblies, nor challenged the same to his Commissioners: but only of late dayes in these corrupt Assemblies, which for undeniable reasons are declared to have been null *ab initio*. And as to the refusing of the reading of the Declinatour, and Protestation, exhibite by the Prelates, the same was publickly read, and the first act of the Assembly, immediatly after the election of a Moderatour and constitution of the members, before the which time there was no Assembly established, to whom the same could have been read, or by whom it could be judged. Like as we desired his Grace to bring in the Prelates themselves, and wee should both answer for their safetie, and give them a full audience.

And further, whereas his Grace under his hand, gave in his Majesties declaration, mentioned in this Proclamation. The same being considered by the Assembly, gave them matter of great joy, to finde

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his Majesties royall heart so far enlarged towards them, as willingly to untie some of these grievous bands where-with they had been fettered by the meanes of some who abused their own places, and trust with his Majestie; but the same was not found satisfactorie, nor sufficient for establishing of a legall securitie of the points therein mentionate, nor yet for purging the corruptions, and settling the peace of this Kirke, as was promised, whereof the Commissioner his Grace would not stay to bee informed, but did unexpectedly and suddenly remove, to the great grief of the Assembly, who thereby was necessitate to use the power God had put in their hands, for removing all innovations, and settling the purity and peace of this Kirk. And seeing in this Proclamation his Majesties declaration is insert *ad longum*, and the Assembly taxed for not being fully satisfied therewith, wee are enforced to repeat here the reasons, which moved the Assembly not to thinke the same satisfactorie, in hope that they coming to his Majesties sacred ears, may procure the continuance of his benigne favour, so acceptable to this Kirke, by the indiction of this Assembly: and production of the said declaration, and obtain his royall approbation to the whole acts and proceedings of this Assembly, which is heartily wished, and would replenish the hearts of all good Subjects with abundant joy and contentment. And first, where his Majestie hath discharged the service-booke, and booke of canons, and practise of both, and all acts, Proclamations and ordinances, made for establishing thereof, upon information that by the introduction of them, the Subjects have apprehended the inbringing of poperie

perie, and superstition to have been intended. Neither the discharge nor the ground thereof are satisfactorie. Not the first, because as some acts and Proclamations did serve for their establishing, so others gave them an high approbation, as fit means to maintaine Religion and beat down all superstition: And therefore though these which established them be rescinded, yet these which approved them do remain and may bring forth other acts and proclamations, for restoring them or the like hereafter, if these books receive not a publick censure by the generall Assembly as the only judge competent to bar them and the like in all time coming: Seing acts of Council, and Proclamations, are frequent and variable, and yet are no legall valid meane either to introduce or abolish any thing concerning the doctrine and discipline of the Kirke, wherein they neither can medle nor secure the Subjects, Next seeing by the constitutions of this Kirk the generall Assembly hath only power to determine concerning the matters of Gods publick worship: And that the framers of these books, who called themselves the representative Kirk made them to bee practised in sundry places of the Countrey by their own authoritie, and that which they borrowed from the Lords of secret Council: Therefore it was most necessary that the same should bee discharged by the generall Assembly (the only true representative Kirk of this nation) for vindicating her just right from violent usurpation and preventing the like in time coming. Not the second, for the Subjects have just grounds of perswasion that the Prelates and their followers, the framers and followers of these Books, the intended inbringing

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of poperie and superstition by the introducing thereof, because 1. Many grosse points of poperie and superstition are not only closely couched under the cover of ensnaring ambiguities (the most insinuating way of errors and best maske to superstition) But also expressly contained in the Bookes themselves, as was made manifest by sundrie treatises read and considered in the Assembly, and is now so declared by the Assembly. 2. The framers and favourers of these books in their sermons and conferences, have vented sundrie popish errors, and approven popish superstitions, which fully detecteth, and leaveth no doubt of their intention, in the introducing of books so full of poperie and superstition.

Secondly the discharge of the high Commission by his Majesties Proclamation or Declaration cannot bee sufficient, because first his Majestie declareth that he established the same for the ease and benefit of the Subjects, that justice might bee administrate with the more conveniencie and lesse trouble of the people. And now dischargeth it, because the Subjects have mistaken his gracious intention: So that if the mistaking be removed, that which is conceived of it selfe to serve for administration of justice, with ease and benefit to the Subjects, may be established upon pretention of the removall of all such mistakings. 2 Though the acts and deeds, made for establishing thereof be rescinded; yet the acts past heretofore by the high Commission are not rescinded: And so the Subjects censured by it, are still esteemed under these censures, as appeareth by the tenour of the Proclamation, wherein the Assembly is taxed, as consisting of some members that are under the censures

tures of this Kirk, meaning the Bishops censure in the high Commission. 3. It being found contrare to the acts of Parliament, and acts of generall Assembly, and extreemly derogatorie to them and all other subalterne judicatories both civill and Ecclesiasticall (which is made clearly manifest by a treatise presented to the generall Assembly) and it being devised and brought in by the suggestion of Bishops, as a mean whereby they might and have unlawfully tirranized over all the Subjects: Therefore it is necessary that the Parliament and generall Assembly, the highest civill and Ecclesiasticall judicatories, that have been wronged, should by their several sentences utterly abolish it as unlawfull and hurtfull.

Thirdly, whereas his Majestie dispenseth with the practise of *Pearth* articles, dischargeth all from urging the practise thereof, freeth from censures for not urging or practising them, notwithstanding of any thing contained in the acts of Parliament, or generall Assembly in the contrare, and is content that the Assembly take the same so far to their consideration, as to represent it to the next Parliament, there to be ratified, as the Estates shal finde fitting: These cannot satisfie, because, 1. a dispensation with the practise without a simple discharge, leaveth it still arbitrare to those who will practise, and so continueth the rent and distractions in this Kirke. 2. Although his Majestie had discharged the practise of them by his Proclamation, or Declaration, yet the Subjects had not been put in securitiethereby except the generall Assembly (to whose tryall they belong, and were referred by all the subscribers of the Confession in *March*) do either repell the articles of *Pearth*, or upon

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on good reason declare that Assembly null, since his Majesties Proclamation or Declaration, is not a sufficient warrant to infringe an act of Assembly, or Parliament, made to the contrary. 3. By tying the Assembly to take the same no further unto their consideration, then to represent it to the next Parliament, the Assembly is both prelimitate (where-anent refers to the six reasons against prelimitation insert in our Protestation *September 22.*) and weakened in power, as if it might not judge and determine in matters meerly Ecclesiasticall without a licence from his Majestie, or a reference to the Parliament, whereas the generall Assembly is supreme and independent in matters Ecclesiasticall, as the Parliament is in civil: so that when the acts of Assembly are ratified in Parliament, the same is for adjoyning the civill function to the Ecclesiastick constitution for the greater terror of transgressours.

Fourthly, anent the oaths administrate to Ministers at their entrie, it hath not only been pretended, but is certaine and will be made manifest to the Assembly, (which also now is done) that oaths have been exacted different from that which is set down in the acts of Parliament, and in many severall wayes according to the pleasure of the Prelates: And where his Majestie declareth that no other oath shall be required of a Minister at his entry, nor that which is set down in the act of Parliament, the same is of fearfull consequence, because the act bears an oath to be given unto the Bishop by Ministers intrants, and so supposeth the office of a Bishop to be unchangeable and uncontraverted, whereby the Assembly is prelimited (against the reasons before mentioned) which may
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finde that office uselesse and unlawfull in this Kirke, and which now they have found upon most infallible reasons.

Fifthly, that his Majesty assureth, generall Assemblies shall bee kept as oft as the affaires of this Kirke shall require: Doth not satisfie, because 1. by leaving the time indefinite it prejudgeth the libertie of the Kirke of holding yearly generall Assemblies at least, and oftner *pro renata*: Ratified by the act of Parliament 1592. the disuse whereof hath been a maine cause of our evils, which should be prevented in time comming, by renewing that ancient necessarie custome and liberty. 2. By the same act of Parliament it is provided, that the King or his Commissioner being present shall appoint the time and place of the next Assembly. And in case his Majesty or his Commissioner bee not present for the time in the Towne wherethe Assembly is holden, it shall be leasome to the said generall Assembly by themselves to appoint the time & place of the next Assembly, as they have been in use in times past. But this declaration not only leaves all indefinite, but totally everts that power and libertie competent to them by law and custome. 3. As it doth not determine how oft the ordinarie affairs of this Kirke requireth an Assembly (which the custome of this Kirk and act foresaid evidently manifest to be yearly once at least) so neither doth it determine who shall judge when the necessity of extraordinarie affairs require an Assembly *pro renata*: whereas undoubtedly the Kirke will bee most sensible of her own necessities, and is the most proper judge of her own affairs: And therefore should have freedom to appoint her own times when she findeth

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findeth her selfe pressed with present exigences, as his Majestie hath also power, when he perceiveth any necessitie requiring the same.

Sixthly, whereas his Majestie is content that all the present Bishops and their successours be answerable to, and censurable by the generall Assembly, it doth not satisfie, because, 1. It beareth a prelimitation of the Assembly in the matter of trying that office, and presupposeth the continuance thereof by succession as unquestionable. 2 They have been formerly made censurable by the generall Assembly in the straitest way that the Kirke could enjoyne, or they could assure: And yet these thirtie yeares they have shunned all censure (though all their actions deserved it) by procuring generall Assemblies to be prorogated, and then suddenly indicted, when they had cunningly prepared both persons and purposes to their minde: Like as now they have by their Declinatour refused to answer, and been censured by this present Assembly indicted by his Majestie, conveyed in the name of Christ, and perfectly constitute in the members thereof. And therefore it lyeth upon this present Assembly, to take some solide course, for securing the Kirk in all time coming against the prejudices of their former and frequent breaches contrarie to their oathes given.

Seventhly, whereas his Majestie requireth this present Assembly to subscribe this confession of Faith formerly signed by his royal Father 1580. and lately commanded by his Majestie to be subscribed by all his Majesties Subjects: The reasons contained in the Protestation *September* last 22. (whereto we adhere and repeats the same) do sufficiently evidence that

that we cannot subscribe the same: to which we adde.
 1. that his Majesties Commissioner hath declared to the Lords of Session, when their subscriptions was required, that it might subsist with the innovations introduced since the year of God 1580. which some of the saids Lords then did, & all of us do now conceive to repugne to the genuine and true sense of the confession of Faith as it was first made. 2. That his Grace hath protested diverse times in this Assembly, that nothing done or to bee done therein prejudice the Archbishops & Bishops in their priviledges, places, power and jurisdiction: whereby hee declareth that these may subsist with the confession of Faith, notwithstanding they bee novations introduced upon this Kirke, contrare to the same since the yeare foresaid, as is now found by the Assembly. 3. That to the Assembly presently convened, and perfectly constitute in the members thereof, it pertaineth properly according to the word of God, constitutions of this Kirk, and book of Policie, ratified in diverse Assemblies, to determine what is the true meaning of the confession of Faith, and to make the same knowne to all the members of this Kirke, who thereafter without scruple or danger may subscribe the same. And although the Assembly could not finde this Declaration satisfactorie for these and the like weightie reasons, yet were they willing the same should be insert in their books for obedience to his Majesties desire; and thankfully acknowledging his Majesties pious affection to true Religion, and royall resolution to defend the same and his Subjects in the profession thereof exprest in the closure of his royall declaration, they were confident that when his Ma-

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jestie shall bee fully informed, that the novations introduced since the year 1580. are incompatible with the confession of our Faith; He will be pleased graciously to vouchsafe his comfortable protection upon those, who (adhering to the true meaning of that confession now fully cleared by the Assembly) have abjured all the innovations introduced, and by their great oath and subscription have bound themselves to maintaine the true Religion, and his Majesties person and authoritie in defence of the same. And thus true Religion being the channell which convoyeth both duties to their proper object, the evidence of Gods image in our dread Sovereigne his Depute shall be terrible to all the enemies of his Majestie, and of his loyall Subjects, who stand for the confession of Faith, and the true meaning thereof, and shall raise up the affections of his religious Subjects towards his Majestie above all earthly respects.

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And where it is subjoynd in the Proclamation, that nothing was able to give contentment, except we were permitted to overthrow episcopall government, and to abrogate publick laws standing, and take away one of the three Estates: Wee are sufficiently cleared thereof by the acts of the Assembly, abrogating and abolishing Episcopall government in this Kirk, for infallible reasons contained in the said act, and also by our answer published to the Declaration emitted in the Commissioners name (which for brevity we forbear to insert herein) whereby we have sufficiently evinced, that our proceedings are not contrare to the laws of the Kingdome, or destructive of any lawfull third Estate, and which part of the Proclamation doth close, with an undeserved imputation

tation to our loyalty, bearing that for the like dangerous acts so derogatorie to royall authoritie, and for other reasons importing true Monarchicall government, the Commissioner was forced to dissolve the Assembly; but the same is so generally expressed, that it appeareth evidently to be done of plaine purpose to make us hatefull, which wee hope will not work that end, unlesse some speciall act of disloyalty or malversation could be specially condiscended upon (which undoubredly had not been omitted if it had been possible) otherwise that darke cloud of generall tearmes cannot obfuscat the pure brightnesse of our siacere intentions, unlesse our true representation of grievances, and earnest humble pressing legall redresse thereof at his Majesties hands, may deserve that aspersiion in the eyes of these Councillours who thinke themselves oblidge rather in absolute obedience, than a duetifull representation to their Sovereigne, of what is just and warrantable, wherein we appeal to all the world, if either our proceedings, or opinions be any wayes derogatorie to the true power of Monarchicall government or his Majesties authoritie, which we are oblidge to defend with our lives and fortunes by our Covenant.

And wherein the Proclamation, in that part thereof, anent the Commissioners discharge of the Assembly, is insinuate some expression of his Graces willingness to return the next morning to the Assembly, we declare that wee were most sensible of the benefite of his Graces presence, and received great contentment by that countenance of royall authoritie in representation, whereof wee would never have deprived our selves, if we had had the least signification

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of any such intention, but the truth is, that having called our selves to our best remembrances, we heard no word or expression tending that way; but by the contrary we did humbly require his Grace, to give in the reasons of his discontentment in write, and to return the next day again; at which time we should give in sufficient answers thereto, which might wye away all his Graces objections, and move him to continue his wished presence to that Assembly, whereat hee had publickly professed he could no longer assist: But this being refused, and the Assembly discharged by him, wee were necessitate to protest both that day and the day following upon the mercate crosse of *Glasgow*, and to show that in conscience of our duety to God and his truth, the King and his honour, the Kirk and her liberties, this Kingdome and her peace, this Assembly and her freedome, to our selves and our safetie, to our posteritie, persons, and Estates.

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We could not dissolve the Assembly, for the reasons following. 1. For the reasons already printed a-
nent the conveening a generall Assembly, which are now more strong in this case, seeing the Assembly was already indicted by his Majesties authority, did convene, & is fully constitute in all the members thereof, according to the word of God, and discipline of this Kirke, in presence and audience of his Majesties Commissioner, who hath really acknowledged the same, by assisting therein seven dayes, and exhibition of his Majesties royall Declaration to be registrate in the books of this Assembly which accordingly was done. 2. For the reasons contained in the former Protestations made in the name of the Noble-men, Bar-
rons, Burgesses, Ministers, and Commons, whereun-

to we did then judicially, and doe now actually adhere, as also unto the confession of Faith and Covenant subscribed and sworn by the body of this Kingdome. 3. Because as wee are obliged by the application and explication subjoyned necessarily to the confession of Faith subscribed by us, so the Kings Majestie, and his Commissioner, and privie Council, have urged many of this Kingdome to subscribe the confession of Faith made in *Anno* 1580. & 1590. And so to returne to the doctrine and discipline of this Kirk as it was then professed, but it is cleare by the doctrine and discipline of this Kirke, that it was most unlawfull in the selfe, and prejudiciall to these priviledges, which Christ in his word hath left to his Kirke to dissolve or breake up the Assembly of this Kirke: or to stop and stay their proceedings in constitution of acts, for the well-fare of the Kirk or execution of discipline against offenders, and so to make it appeare that Religion and Kirk government should depend absolutely upon the pleasure of the Prince. 4. Because there is no ground of pretence, either by act of Assenby, or Parliament, or any preceeding practise, whereby the Kings Majestie may dissolve the generall Assembly of the Kirke of *Scotland*, far lesse his Majesties Commissioner, who by his commission hath power to indict, and keepe it, *secundum legem & praxim*, but upon the contrarie his Majesties prerogative royall, is declared by act of Parliament to be no wayes prejudiciall to the priviledges and liberties which God hath granted to the spirituall office-bearers, and meetings of this Kirke, which are most frequently ratified in Parliaments, and especially in the last Parliament holden by his
Majestie

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Majestie himself, which priviledges and liberties of the Kirk, his Majesty will never diminish or infringe, being bound to maintain the same in integritie by solemne oath given at his royall Coronation in this Kingdome: 5. The Assemblies of this Kirke have still enjoyed this freedome of uninterrupted sitting withour, or notwithstanding any contramand, as is evident by all the records thereof, and in speciall by the generall Assembly holden in Anno 1582. which being charged with letters of horning by the Kings Majestie his Commissioner, and Councel, to stay their processe against Mr. *Robert Montgomerie* pretended Bishop of *Glasgow*, or otherwise to dissolve and rise, did notwithstanding show their liberty and freedome by continuing and sitting still, and without any stay going on in that processe against the said Mr. *Robert*, to the finall end thereof thereafter, & by letter to his Majesty did show clearly, how far his Majesty had been mis-informed, and upon mis-information prejudged the prerogative of *JESUS CHRIST*, and the liberties of this Kirke, and did enact and ordaine that none should procure any such warrant or charge, under the paine of excommunication. 6. Because now to dissolve after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of processees from Presbyteries, after the publick indiction of the Assembly, and the solemne fast appointed for the same, and after frequent convention and formall constitution of the Assembly in all the members thereof and seven dayes sitting: were by this act to offend God, contemne the Subjects petitions, deceive many of their conceived hopes

hops of redresse of the calamities of the Kirke and Kingdome, multiply the combustions of this Kirke, and make every man despaire hereafter ever to see Religion established, innovations removed, the Subjects complaint respected, or the offenders punished with consent of authoritie, and so by casting the Kirk and Estate loose and desolate, would abandone both to ruine. 7. It was most necessarie to continue this Assembly, for preveening the prejudices which might ensue upon the pretence of two Covenants, whereas indeed there is but one: that first subscribed in 1580. and 1590. being a nationall Covenant and oath to God, which is lately renewed by us with that necessarie explanation, which the corruptions introduced, since that time comtrare to the same, enforced: which is also acknowledged in the act of Council in *September* last, declaring the same to bee subscribed as it was meant the time of the first subscription, and therefore, for removing that shame and all prejudices, which may follow upon the show of two different Covenants and confessions of Faith in one nation, the Assembly could not dissolve before it had tried, found, and determined that both these Covenants are but one and the selfe same Covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first, as it was subscribed in *anno 1580.*

And further, in the said Proclamation, the straine of our Protestation is taxed, because we have thereby presumed to cite those of his Majesties Councell, who have procured, subscribed, or ratified this Proclamation, to be responsall to his Majestic and three Estates of Parliament, whereas the same cannot be justly

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justly quarrelled, because it is grounded upon the law of the Kingdome, and warranted by the act of Parliament therein cited, 12. act Parl. 2. King *James 4.* which act is grounded upon good reason: for it were strange to think that Councillours giving bad counsell to the evident prejudice and ruine of the Countrey, and publick detriment of the good Subjects, should not be countable therefore to his Majestie and his Estates; and it is not without instance in our laws, that perverse counsel hath been given in misguiding the Kings and common good of this Realme act 6. Parl. 1. King *James 4.* Which is also acknowledged by the reduction of grants made by Kings to these perverse counsellors, act 3. Parl. 4. and act 5. Parl. 1. King *James 4.* The perversenes of which misguiding counsell, hath been assuredly the cause why in the next Parliament in the yeare immediately subsequent, the Kings Council was chosen in Parliament, and sworn in presence of the King and three Estates, and ordained to bee responsall and accusable to the King and three Estates for their counsell. Which cleareth, that both evil counsel may be given, and that the Council may bee accused before the King and Parliament for malversation in their charge. Like as his Majestie in the Proclamation, maketh all persons lyable to the Parliament and generall Assembly, and so giveth way to this previous citation, which may serve for a forewarning and intimation that they may be accused, if they be guiltie, as we know all are not, and wish that none were.

*Against the
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All which heaveie objections and imputations are premitted in the Proclamation to the conclusion and command thereof, which resolveth into two heads:

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The first, discharging obedience to the acts of Assembly, and liberating all who shall disobey from censure, and promising protection to the disobeyers, and inhibiting all Presbyteries, Session of Kirks, Ministers within this Realme, in their Sermons, Sessions, and meetings, or any other wayes, to authorize, approve, or allow the Assembly at *Glasgow*, or doe any deed which may countenance the same, under paine to be punished with all rigour: And commanding all who shall hear them, to delate the same, under paine of the like punishments, likewise straitly charging and commanding all Iudges within this Realme, Clerkes, and Writers, not to grant or passe a Bill, Summonds, or Letters, or any other execution whatsoever upon any act or deed proceeding from the said Assembly: And all keepers of the Signet from signeting thereof, under all highest paine. And the second head, commanding all Subjects to subscribe and swear the confession commanded by his Majestie, conforme to the sense and meaning of the declaration published by the Commissioner, whereunto wee need not here make any answer, but remits the same to a speciall answer published in print made to that declaration. But for the first, the same is so farre repugnant to the word of God, practise of the primitive Kirke, the Lawes civill and canonicall, the custome of all Nations, the constitutions of our generall Assemblies, acts of Parliament, practise of other judicatories within this Kingdome, to the confession of Faith and discipline of this Kirke, as wee cannot beleave any such commandements to proceed from our gracious King, but from the malice and misinformation of our adversaries, the conscience of

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whose guiltinesse affrighteth them to undergo their deserved censure which is cleare. 1. That the same is contrare to the Law of God, from that place of Scripture, *Matth. 18* Wherein the Kirk is commanded absolutely to inflict censures. *1. Cor. 5* Wherein the Kirk did execute that commandement. And the Kirks of *Pergamus* and *Thyatira*, are reprov'd for not executing Ecclesiasticall censures against those who held the doctrine of *Balaam*, or of *Iezebel. 2. Revel.* So that the power of the keyes in Ecclesiastical censures is so intrinsically, and so essentially competent to the Kirk and generall Assembly *jure divino*, as obedience to her decreets and executions thereof cannot be suspended, far less taken away and discharged by humane authority, more nor the power of preaching and administration of the Sacraments, 2 It is contrare to the practise of the Apostolick and primitive Kirks, whose constant practises was to execute the spirituall functions and censures, and notwithstanding humane prohibitions, to obey God, rather than man. 3. It is contrare to the civil law, *si contra jus vel utilitatem publicam, vel per mendacium fuerit aliquid postulatum vel impetratum ab imperatore. Et titulo de diversis rescriptis & pragmaticis sanctionibus.* 4. The same is contrare to the cannon law *decret: decretal. extravagan. titulo de rescriptis.* 5. It is contrarie to the universall custome in all nations ordaining their judicatories to do justice, notwithstanding their Princes prohibition: as is cleare by *Convarnvia* in *Spaine*, *Pappon* in *France*, *Swedwine* in *Germanie*, &c. Upon the title *de rescriptis aut constitutionibus principum.* 6. To the constitutions of generall Assemblies: because in fundrie generall Assemblies upon complaints made
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that the Kings Majestie and his Councell by their letters offered some stop to the Kirk, from going on in her Ecclesiasticall censures, especially by act of the generall Assembly convened in the new Colledge of *Saint Andrews*, 20. *April* 1582. It is ordained that none being received to any Ecclesiasticall function, office or benefice, seek any way by the civill power to excheame and withdraw themselves from the jurisdiction of the Kirk, or procure, obtaine, or use any letters, or charges, either by themselves, or any other in their name, or at their command and instance, to impare, hurt, or stay the said jurisdiction, discipline, correction of manners, or punishment of their offences and enormities, or to make any appellation, from the generall Assembly, to stope the discipline, and order of the Ecclesiasticall pollicie, and jurisdiction granted by Gods word to the office-bearers within the said Kirke, under the paine of excommunication summarly, without any processe, or admonition to be pronounced by the judgement of the Eldership, by the Minister, or Ministers which shall bee appointed by them, how soon it is knowne that any of the saids heads are transgressed; like as both the Kings Majestie and his Councell promised that none thereafter should have that cause to complaine: as is manifest by the act of Assembly at *Montrose* in *July* 1597. And at the Assembly holden at *S^t. Andrews* 24. *April*. 1582. being charged with letters of horning not to proceed against M^r. *Robert Montgomerie*, the Assembly did write to his Majesty that this discharge was extraordinarie, as a thing that was never heard nor seen since the world began, and was directly against the word of God, and laws of the

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Kingdome. And yet notwithstanding of the said charge, the Assembly did proceed and excommunicate the said Mr. Robert. Further, in the Assembly at *Edinburgh*, the 27. of Iune 1582. Sess. 7. amongst the grievances presented by the Kirk to the King, the first is, that his Majestie by devise of some counsellours, is moved to take upon him that spirituall power and authoritie, which properly belongeth to Christ, as only King and head of his Kirke, the Ministerie and execution whereof is only given to such as beare office in the Ecclesiasticall governement of the same, so that in his Majesties person some men preasse to erect a Popedome, as though his Majestie could not bee full King and head of this commonwealth, unlesse as well the spirituall as temporall sword bee put in his Majesties hands, unlesse Christ bee rest of his authoritie, and the two jurisdictions confounded, which God hath divided; which directly tendeth to the wrack and overthrow of all true Religion, &c. And in the Assembly holden at *Edinburgh* in October 1582. Sess. 15. Summonds are direct by the generall Assembly against the kings Advocate, for drawing up the Kings Proclamation of that straine. 7. The foresaid command is also contrare to the acts of Parliament, because as the acts of Parliament appointeth every matter for its own judicatorie, and to all judicatories their own freedome: so much more doth this libertie belong to the nationall Assembly, being the supreme Iudicatorie Ecclesiastic of this Kirk, and only competent Iudge in matters so important, and so nearly concerning Gods honour and worship immediatly, the salvation of the peoples souls, the settling of the purity of Gods worship,

ship, the purging away the corruptions thereof, and right constitutions of the Kirke, whose liberties and priviledges are confirmed, Parl. 12. King *James 6.* and Parl. 1. King *Charles.* Like as by the 12. Parl. 114. act King *James 6. Anno 1592.* The libertie and discipline of the Kirk, especially in her Presbyteries and Assemblies, are fully and firmly ratified with declaration, that the act of the Kings Majesties prerogative royall over all estates and persons, shall no wayes bee prejudiciall to the priviledges which God hath given to the spirituall office-bearers in the Kirke, concerning heads of Religion, matters of heresie, excommunication, collation, and deprivation of Ministers, or any such like essentiall censures, especially grounded, and having warrand of the word of God, with full power even to the particular Presbyteries, to put order to all matters and causes Ecclesiasticall within their bounds, according to the discipline of the Kirke. 8. The Lords of Councel and Session by act 92. Parl. 6. King *James 6.* are ordained to proceed in all civill causes intended or depending before them, or to bee intended, and to cause execute their decrees, notwithstanding any private writting, charge, or command from the Kings Majestie, or his Councel in the contrare, and by the 47. act. 11. Parl. King *James 6.* All licences and supersederies purchast from his Majestie, are discharged, as contempt done to the law, as great hurt to the Lieges, & contrare to justice, and declareth the same to be null of the law, and not admissible to any judge, nor effectuall to the purchaser any wayes, and ordaineth all judges within this Realme to proceed and do justice, such like, and in the same manner, as if the said supersederies and licenees never had

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had been purchast nor produced. Like as by the 106
act Parl. 7. King *James* 6. All licences granted by his
Majestie, to hinder the execution of acts against pa-
pists and other adversaries of the true Religion are dis-
charged and declared to be of no force: according to
the which it hath been the ordinary custome both in
civill and Ecclesiasticall judicatories (notwithstanding
of privie warrants or prohibitions contrare to
law which commonly are impetrate from his Maje-
stie upon mis-information) to proceed and minister
justice. 9. To discharge obedience to the acts of the
Assembly, stop the execution thereof, protect and
defend such as are delinquents and under the Kirks
censure, doth directly repugne to the large confessi-
on of Faith of this Kirk. Wherein Cap. 19. the
third mark of the true Kirk is affirmed to be uprighr,
ministration of Ecclesiastical discipline, as Gods word
prescribeth, for establishing good order and repres-
sing of vice: and so no more can be impeded nor justly
taken from the Kirk thā any of her other two marks,
viz. The right preaching of the word and ministrati-
on of the Sacraments: And therefore in the oath at
the Kings Coronation, he sweareth to maintaine this
confession, and these three marks of the Kirke, and
particularly that he shal be carefull to root out of his
Empyre all hereticks and enemies to the worship of
God, that shall be convict by the true Kirk of God of
the foresaid crimes. 10. In the short confession of
Faith sworn 1580. and 1590. and renewed by the
greatest and best part of this Kirk and Kingdome,
with an explication renewed also at his Majesties
command by his Councell: All are bound to con-
tinue in obedience of the doctrine and discipline of
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the Kirk, & defend the same according to their vocation and power. So that seeing this generall Assembly hath proceeded in their constitutions, acts, and whole proceedings, according to the discipline of this Kirke of *Scotland* 1580. and 1590. contained in the second book of discipline: which in both these yeares were ordained to bee registrate and sworne to by all the Ministers of this Kirke, as the discipline thereof, and wherein the civill and Ecclesiasticall jurisdiction are so clearly distinguished in the 1. Cap. Lib. 2. as the power of the sword may no wayes stop or impend the power of the keyes: and in the 7. Cap. the Eldership and Assemblies hath power to execute Ecclesiasticall punishment upon all transgressours and proud contemners of the Kirk. And in the 10. Cap. the office of the Christian Magistrate is described to assist and maintaine the discipline of the Kirk, and punish those civilly who will not obey the censures thereof, without confounding alwayes the one jurisdiction with the other: and this order of Ecclesiasticall discipline, condiscended upon in generall Assemblies as warranted by divine authority, to be execute notwithstanding any humane inhibition, is set down before the Psalmes in meeter: and therefore we can never expect that his Majestie, who out of his pious inclination to justice, by a late Proclamation 22 *September* last, hath declared and ordained that all his Subjects both Ecclesiasticall and civil shall be lyable to the tryall and censure of generall Assembly or any other judicatorie competent; will now stay the execution of the lawfull and grave sentences of this nationall Kirk, so comfortable to us, and so necessarie for maintaining the purity of religion, which his Majesty

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jestie in the end of the articles before mentioned, hath promised to defend, and his subjects in the profession thereof, which is incompatible, with the defence of excommunicate and obstinate persons. But therefore we are assured that his gracious Majestie will be pleased to allow that reverence, and alreadie obedience may be deferred to the whole acts, constitutions, and censures of the said generall Assembly, by all his subjects, who undoubtedly and necessarily are obliged to obedience of all the lawfull commands and injunctions of the mother Kirke, if they would be accounted members or sons thereof.

By all which cloud of weighty reasons, the warrantablenesse of our just proceedings doth evidently appear, notwithstanding of all the arguments of challenge adduced against us in the said Proclamation: And therefore for these, and many other reasons, we the members of this Assembly, in our own names, and in the name of the Kirk of *Scotland*, whom we represent: And we Noble-men, Barrons, and Gentle-men, Ministers, Burgesses, and Commons, before mentioned, do solemnly declare in the presence of the everliving God and before all men.

1. And protest that our thoughts are not guiltie of any thing which is not incumbent to us, as good Christians towards God, & loyall subjects towards our Sacred Sovereigne. And we attest God, the searcher of all hearts, that our intentions & whole proceedings in this present Assembly have been and shall continue according to the word of God, the laws & constitutions of this Kirk, the confession of Faith, our nationall oath, and that measure of light, which God the Father of light hath granted unto us, and that in the sincerity of our hearts, without any preoccupation or passion.

That it was and is most lawfull and necessary for
usto sit still, and continue in keeping this present As-
sembly, indicted by his Majestie, untill after conclu-
sion of all matters, it be dissolved by common con-
sent of all the members thereof, and that for trying,
judging and censuring all the by-gone evils, and the
introductions, and providing a solide course for the
continuance of Godstruth in this Land with puritie
and libertie, according to his word, our oath and con-
fession of Faith, and the lawfull constitutions of
this Kirke.

That this Assembly is and should be esteemed and
obeyed as a most lawfull, full and free generall As-
sembly of this Kingdome. And that all acts, senten-
ces, constitutions, censures, and proceedings of this
Assembly (whereof the generall and principall acts
are to be published) are in the selfe, and should be re-
puted, obeyed, and observed by all the Subjects of
this Kingdome, and members of this Kirke, as the
acts, sentences, constitutions, censures and proceed-
ings of a full and free generall Assembly of this Kirk
of *Scotland*: And to have all ready execution, under
the Ecclesiasticall paines contained, or to be contain-
ed therein, and conforme thereto in all points, and
such like, that whosoever presumeth to utter any un-
duetifull speech against the same, may be duely cen-
sured, and condignely punished.

We protest that all and every member of this re-
formed Kirke, efoldly and faithfully joyne and con-
curre in their severall callings and stations, to advance
further and assist the execution and obedience of the
whole acts of this Assembly, by all meanes which
their abilitie can afford: as they affect the advance-

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ment of Gods glorie and the work of reformation in this Land.

5. We protest against all the challenges and aspersions laid upon us in the said Proclamation, and that our whole answers are not only true in every point, but likewise sufficiently forceable to deliver us from all unjust imputations, and to justify the lawfulnessse and necessitie of our whole proceedings and carriage, which hath been so unreasonably blamed. Like as by these presents, wee summond and cite all those of his Majesties Council, or any other, who have procured, consented, subscribed, or ratified this present Proclamation, to be responsable to his Majestie and three Estates of Parliament, for their counsell given in this matter, so highly importing his Majesty, and the whole Realme; conforme to the 12. act Parl.

2. King James 4. And protest for remead of law against them and every one of them.

6. We protest that it is and may be lawfull unto us to defend and maintaine the Religion, laws and liberties of this Kingdome, the Kings authoritie in defence thereof, and every one of us another in that cause according to our power, vocation, and Covenant, with our best counsel, bodies, lives, means, and whole strength, against all persons whomsoever: and against all externall, and internall invasions, and that in the obedience and observance of the acts of this Assembly and nationall mother Kirk.

7. That whatsoever inconvenients shall fall out by impeding, molesting, or staying the observance and obedience due to the acts, ordinances & conclusions of this Assembly, or execution to follow thereupon, that the same be not imputed unto us, or any of us, in
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our lawfull defence and maintainance thereof, who most ardently desired the concurrence of his Majesties Commissioner to this lawfull Assembly, and do yet still with humble vehemencie beg his Majesties gracious approbation thereunto, but on the contrare that the Prelates and their adherents, who have protested, and declined this present Assembly in conscience of their own guiltinesse, not daring abide to any legall tryall, and by their mis-information did move the Commissioner his Grace, to depart and discharge this Assembly, be esteemed, repute and holden (as they truly are) the disturbers of the peace and overthrowers of the liberties of the Kirk, and guiltie of all the evils which shall follow hereupon, and condignly censured according to the greatnesse of their faults, and acts of the Kirke and Realme.

We protest that none hereafter subscribe the Covenant formerly subscribed by the Commissioner his Grace in Councel, as they will eschew the danger of a contradictorie oath, but that all and every one subscribe the Covenant renewed in *Februarie* last. And that with this sense, meaning, and condition, that they subscribe the same conforme to the determination and declaration of this Assembly at *Glasgow* allanerly.

We protest that as we adhere till all former Protestations, & every one of them made in the name of the Noble-men, Barrons, Gentle-men, Ministers, and Commons *respective* for the time: So we may have his Majesties royall approbation to this present Assembly, whole acts and constitutions thereof, and all our proceedings and behaviour in this businesse, which we assuredly expect from his Majesties im-
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bred pietie, justice, and bountie, notwithstanding the sinistrous, untrue informations, whispered in his Royall Eares in the conträre.

Upon all which Premisses and Protestation foresaid (which is the same, with the former made by us at *Glasgow* the 29. of *November* last, but so far differing as was necessary for answer to the new additions contained in this Proclamation; and clearing us of of the aspersions wherewith we are charged therein, which we might lawfully doe, having protested for this libertie, in respect of our surprisall) a certaine number of all qualities and ranks for themselves, and in name foresaid, asked instruments. This was done in the presence of a great confluence of people upon the Mercat Crosse of *Edinburgh* the 18. day of *December*. 1638.

F I N I S .

*Revised according to the ordinance of the generall
Assembly, by me Mr. A. Ihonston Clerk thereto:
Edinb. 8. of
Jan. 1639.*

